

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
June 9, 2010
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mark Pentz, Chandler, Chair	Darryl Crossman, Litchfield Park
Carl Swenson, Peoria, Vice Chair	Christopher Brady, Mesa
# Matt Busby for George Hoffman, Apache Junction	Jim Bacon, Paradise Valley
Charlie McClendon, Avondale	David Cavazos, Phoenix
Stephen Cleveland, Buckeye	# John Kross, Queen Creek
Gary Neiss, Carefree	* Bryan Meyers, Salt River Pima-Maricopa Indian Community
* Usama Abujbarah, Cave Creek	* Dave Richert, Scottsdale
Spencer Isom for B.J. Cornwall, El Mirage	# Michael Celaya for Mark Coronado, Surprise
* Phil Dorchester, Fort McDowell Yavapai Nation	Charlie Meyer, Tempe
Rick Davis, Fountain Hills	* Reyes Medrano, Tolleson
Rick Buss, Gila Bend	Gary Edwards, Wickenburg
* David White, Gila River Indian Community	Lloyce Robinson, Youngtown
Michelle Gramley for Collin DeWitt, Gilbert	Robert Samour for John Halikowski, ADOT
Brent Stoddard for Ed Beasley, Glendale	Mike Sabatini for David Smith, Maricopa County
# Mark Gaillard for John Fischbach, Goodyear	Bryan Jungwirth for David Boggs, Valley Metro/RPTA
Bill Hernandez, Guadalupe	

* Those members neither present nor represented by proxy.

Participated by telephone conference call. + Participated by videoconference call.

1. Call to Order

The meeting was called to order by Chair Mark Pentz at 12:01 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Pentz noted that, John Kross, Matt Busby, Mark Gaillard, and Michael Celaya were participating in the meeting via teleconference.

Chair Pentz noted that a memorandum and revised tables for agenda item #7 were at each place.

Chair Pentz announced that public comment cards were available to members of the public who wish to comment. He noted that parking garage validation and transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting.

3. Call to the Audience

Chair Pentz stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Pentz noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations.

Chair Pentz recognized public comment from Dianne Barker, who expressed her admiration for MAG including the Pledge of Allegiance at its meetings. She said that in her tweets to her followers she points out that in marches here and in Los Angeles where flags are carried there is no violence. Ms. Barker stated that she came to the meeting by bus and light rail and she noted that they ran on time. She stated that the wrap was done well so that she could see outside. Ms. Barker also noted that the temperature inside the vehicles was comfortable. She reported that she received a call from an air conditioning repair company whom she told that she did not use air conditioning, instead, she relies on cotton clothes, a concrete building cross breezes and fans to keep cool. Ms. Barker encouraged riding bicycles. Chair Pentz thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. He said that the Sun Corridor Joint Planning Advisory Council meeting will be held June 28, 2010, at Wild Horse Pass. He noted that the Council was established by MAG, the Central Arizona Association of Governments (CAAG), and the Pima Association of Governments (PAG). Mr. Smith announced that Governor Brewer is scheduled to appear and discuss "Building Arizona's Economy," and the results from the AECOM Global Cities Institute study on the Sun Corridor Economic engines. He added that representatives from the East Valley Partnership and WESTMARC also have been invited. Mr. Smith displayed a graphic chart that showed the elements of the Sun Corridor program that the experts are studying.

Mr. Smith stated that Desert Peaks awards will be held June 30, 2010, at the Sheraton Hotel in downtown Phoenix. He noted that RSVPs for the event are requested by June 18, 2010 to allow MAG to plan for the event.

Mr. Smith briefed the Committee on the New Partnership concept between the U. S. Department of Transportation and Metropolitan Planning Organizations (MPOs) that he presented at the National Multi-Modal Steering Committee meeting held on June 3, 2010. He added that Rob Puentes from Brookings also spoke at the meeting.

Mr. Smith stated that one of the elements of the New Partnership is “Confront the Brutal Truth,” and he showed a graphic that illustrated that federal funds are flat and are not expected to increase. Mr. Smith stated that the last time the gas tax in Arizona was increased was in 1991 or 1992. He displayed a map of gas tax rates in the nation that showed Arizona’s tax rate is about eight cents behind other states and he said he did not think the Legislature would support an increase.

Mr. Smith then addressed the element of the concept, “Future Funding: Make Your Own Happiness.” He said that the voters of this region made their own happiness by passing regional half cent sales taxes for transportation in 1985 and 2004. Mr. Smith displayed a chart that showed transportation revenue and he noted that the regional sales tax represents more than one-half of the funding received for transportation in this region – even more than the federal funds received. Mr. Smith advised that many metro areas do not have a sales tax of their own. He then displayed a map of the region’s freeways in 1985, which totaled 95 miles, and he noted that in 1976 when he arrived at MAG, I-10 did not even extend to Goodyear. Mr. Smith stated that after the region decided that it would need to make its own happiness and passed the sales taxes, the regional freeway system in 2005 totaled 255 miles. He commented that if the region had waited for the federal government, it would not have come close to this total.

Mr. Smith stated that the next element, “Reduce Bureaucracy,” increases certainty, speed, and accountability, but gives the federal funds directly to the MPOs.

Mr. Smith stated that another element of the concept is “Streamline the Delivery System,” which simplifies the process for implementing projects. He noted the current federal process lengthens the time needed to complete a project, and then he mentioned that the time to complete the Hoover Dam was four years; the Erie Canal eight years, and the Alcan Highway nine months.

Mr. Smith stated that under the New Partnership, the MPOs would request of the federal government additional funding for those regions that have contributed a substantial portion of their transportation funding, a no matching funds requirement, mode neutral funding, funding sent directly to the MPO, and greater flexibility in project delivery. He commented that they are not expecting a turnaround at the federal level, but hope for pilot programs to deliver projects.

Mr. Smith stated that Brookings has published an article on the New Republic “Helping Those Who Help Themselves,” which is based on the concept developed by MAG. He stated that in addition to the MAG region, Las Vegas, Denver, Salt Lake City, Los Angeles, and Dallas have found it necessary to raise their own funds. Mr. Smith suggested that incentives could be given to those who taxed themselves, and less regulation.

Chair Pentz thanked Mr. Smith for his report. No questions for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Pentz stated that agenda items #5A, #5B, #5C, #5D, #5E, and #5F were on the Consent Agenda. He reviewed the public comment guidelines for the Consent Agenda. Chair Pentz noted that no public comment cards had been received.

Chair Pentz asked if any member of the Committee had questions or a request to have a presentation on any Consent Agenda item. None were noted.

Mr. Bacon moved to recommend approval of the Consent Agenda. Mr. McClendon seconded, and the motion passed unanimously.

5A. Approval of May 12, 2010, Meeting Minutes

The Management Committee, by consent, approved the May 12, 2010, meeting minutes.

5B. American Recovery and Reinvestment Act (ARRA) Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project.

5C. Update to Federal Functional Classification System

The Management Committee, by consent, recommended approval of the City of Chandler request to classify Airport Boulevard as a Major Collector in the federal functional classification system. The MAG funding suballocation for the MAG region from the American Recovery and Reinvestment Act (ARRA) requires projects to adhere to the requirements established in the Surface Transportation Program (STP). As such, ARRA and/or STP funded projects must be located on a facility that is classified as an urban collector or rural major collector or higher in the federal functional classification hierarchy. MAG received a request from the City of Chandler to add one project to the federal functional classification system. The City of Chandler has requested that Airport Boulevard from Germann Road to Queen Creek Road be classified as a Major Collector. The classification requests are necessary for the ARRA/STP funded projects to proceed.

5D. Project Changes/Amendments and Administrative Modifications to the Fiscal Year 2008-2012 MAG Transportation Improvement Program

The Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update. The Fiscal Year (FY) 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there have been requests from member agencies to modify projects in the program. To move forward with project implementation for FY 2010, the Arizona Department of Transportation (ADOT) has requested a new pavement preservation project, a new ITS project, and a new TEA project. All transit projects, except for VMR09-821T, VMR10-703TR2, and VMR10-704T, were heard and voted on for approval at the MAG Transit Committee. The requests to modify the three projects mentioned above happened after the Transit Committee met when working with MAG on fiscal constraint and finalization of information for FTA grants. All of the transit requests are fiscal requests and MAG has verified no positive or negative impact to associated revenue and

expenditures. The ADOT led projects and transit projects were heard and recommended for approval at the May 27, 2010, Transportation Review Committee. The twelve ARRA related project change requests were presented for the first time at the MAG Management Committee. These requested changes are related to reconciling funds available from lower project bids/awards. There is no negative fiscal impact to the ARRA local program.

5E. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several projects, including a new Arizona Department of Transportation pavement preservation project on State Route 85, a new region wide Intelligent Transportation Systems project, a new Transportation Enhancement project located at Interstate-17 at the Central Arizona Project, and transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. This item was on the agenda for consultation.

5F. Approval of Electric Vehicle Charging Infrastructure Deployment Guidelines

The Management Committee, by consent, recommended approval of the Electric Vehicle Charging Infrastructure Deployment Guidelines document version 3.0 as guidelines to the implementation of infrastructure that will support and encourage the adoption of electric vehicles in the MAG region. On April 16, 2009, MAG entered into a Memorandum of Understanding with ECotality and Nissan North America to support the adoption of electric vehicles in an effort to address environmental concerns in the region. On August 5, 2009, ECotality North America was selected by the U.S. Department of Energy for a grant of approximately \$99.8 million to implement the largest deployment of electric vehicles and charging infrastructure in history. The ECotality initiative, in partnership with Nissan North America, proposes to deploy charging infrastructure in major population areas, including Phoenix/Tucson. On March 17, 2010, ECotality presented the Electric Vehicle Charging Infrastructure Deployment Guidelines version 2.0 document to the MAG Building Codes Committee (BCC). The MAG BCC reviewed the document and provided feedback to ECotality. On May 19, 2010, ECotality presented version 3.0 of the Electric Vehicle Charging Infrastructure Deployment Guidelines to the MAG BCC. The Deployment Guidelines document is intended to create a common knowledge base of electric vehicle (EV) requirements for stakeholders involved in the implementation of EV charging infrastructure. ECotality's Deployment Guidelines provide the necessary background information for understanding EV requirements and the related codes, laws and standards for this effort. On May 19, 2010, the MAG Building Codes Committee voted to recommend approval of the EV Charging Infrastructure Deployment Guidelines document version 3.0 as guidelines to the implementation of infrastructure that will support and encourage the adoption of electric vehicles in the MAG region.

6. Interstate 11 Proposal Update

Bob Hazlett, MAG Senior Engineer, provided a report on the potential Interstate 11. He noted two caveats: the corridor has not received an interstate designation, and there is no funding. Mr. Hazlett added that the priority in the MAG region remains the Proposition 400 projects.

Mr. Hazlett stated that he was the project manager for the Statewide Mobility Reconnaissance Study in 2007. He noted that what was important then, when the economy was booming, remains important today: more jobs. Mr. Hazlett pointed out on a map the connections in Arizona to Punta Colonet, Hermosillo, and Guaymas and how they could provide more jobs and economic activity for the state. He stated that the concerns expressed in 2007, such as for commercial trucking, are still current. Mr. Hazlett stated that taking a look at the transportation economy, goods and freight movement will be even more critical than moving commuters. He pointed out on maps the rail routes and trucking routes used for transporting goods across the country.

Mr. Hazlett noted that Arizona is prominent in the movement of goods across the country and noted that one-third of the nation's freight passes through Arizona, which makes it a strategic and important location for moving freight. He said that most of the freight movements in other states, for example, Texas, are intrastate. Mr. Hazlett stated that the issue is how to add value from freight activities in Arizona in order to capture some economic benefits.

Mr. Hazlett stated that the Los Angeles/Long Beach port is fifth largest in the world and largest in the United States. He stated that the Long Beach port is virtually at capacity but the Surface Transportation Report estimates it will need to handle three times that volume when the population of the United States reaches the projected 400 million people. Mr. Hazlett said that this has led to discussion of utilizing other ports to take the pressure off the Long Beach port. He explained that once completed, the Punta Colonet port is projected to be as busy at opening as those on the east coast of the United States, and by 2030, it has the capacity to be busier than the port of New York/New Jersey.

Mr. Hazlett stated that the shipping time from Shanghai to New York via Los Angeles is 20 days, however, the shipping time from the Punta Colonet port via Arizona to New York, would take 19 days. He remarked that one day savings in shipping time to shippers is like gold.

Mr. Hazlett stated that MAG met with the consultant for Mexico's Secretariat of Communications and Transport (SCT), who is working on identifying the border crossing of the rail line into the United States. Mr. Hazlett reported that the consultant informed MAG that the SCT is looking for a location that has two class one railroads so there will not be a monopoly. He stated that these criteria would apply only to Long Beach, El Paso, and Arizona. Mr. Hazlett stated that the question with Long Beach is why backtrack west if you are already that far east, and with El Paso, why ship that far overland through Mexico. Mr. Hazlett stated that a crossing through Yuma could take advantage of the Hassayampa corridor, and there will be a "pitchfork" route of goods being transported into Arizona from Mexico. Mr. Hazlett stated that Interstate 11 could connect Phoenix to Las Vegas, and to points farther north, and perhaps could have a rail component.

Mr. Hazlett stated that when the interstate system was formed in 1956, the region that included Phoenix, Tucson, Las Vegas and Reno represented a total of about 700,000 people, and today represents about eight million. He stated that new corridors have been added, but mostly in the eastern United States, and recently through TEA-21 and SAFETEA-LU legislation. Mr. Hazlett said that most new interstates have been designated to support goods movement, and among them is the largest route, I-69, from Indianapolis, Indiana, to Lubbock, Texas, which also has a freight component. Mr. Hazlett stated that no new interstates have been established recently in the West. Mr. Hazlett noted how the Interstate 11 would be a natural fit for goods movement in the area. He pointed out on a map the potential Interstate 11 route, which could provide relief for Interstate 5 and backhaul opportunities for San Francisco, Portland and Seattle.

Mr. Hazlett then addressed the remaining four issues: Boulder City Bypass, US-93, the location of the extension into Phoenix metro area, and the bridge over Hoover Dam. He said that the Boulder City Bypass has received environmental clearance and is awaiting funding, and US-93 is being widened to four lanes and has the potential to be converted as an interstate facility. Mr. Hazlett stated that the extension into the Phoenix metro area still would need to be determined. He stated that the bridge over Hoover Dam will be complete this fall, ahead of schedule. Mr. Hazlett stated that these elements, along with the region's Hassayampa and Hidden Valley framework studies, accepted by the Regional Council, could provide connections to the Valley for the potential Interstate 11 corridor. Mr. Hazlett noted that Interstate 11, called Interstate X by the State Transportation Board because it does not have a congressional designation, was a part of the Statewide Framework, accepted by the Board in January.

Mr. Hazlett stated that a coalition of public and private sector representatives from Arizona and Nevada, called CAN-DO, has been advocating for and working with Congress to advance an interstate designation for the corridor. He also noted that MAG is starting a Freight Framework Study that was approved in the FY 2011 MAG Work Program. He said that much of the information he presented was anecdotal, and the study will substantiate the facts.

Chair Pentz thanked Mr. Hazlett for his report. No questions from the Committee were noted.

7. Interim Closeout of the Federal Fiscal Year 2010 MAG Federally Funded Program

Eileen Yazzie, MAG Transportation Programming Manager, reported on the interim closeout of the Federal Fiscal Year 2010 MAG federally funded program. She said that her presentation would cover the action taken by the Transportation Review Committee (TRC), changes since the Management Committee agenda was mailed, and a revised requested action. Ms. Yazzie stated that a copy of the revised material was at each place. She added that due to the critical report that would be given on the PM-10 issue, she would provide an abbreviated presentation from the one she gave to the TRC, however, she could provide a full presentation if additional detail was requested.

Ms. Yazzie displayed onscreen the action taken by the TRC, which was the requested action included in the Management Committee agenda.

Ms. Yazzie stated that the City of Glendale paving project (GLN07-779) will not be deleted, but deferred to 2011. She noted that this changes the amount for Glendale from \$196,035 to \$63,000, and the \$63,000 is still requested to go to the Skunk Creek bicycle/pedestrian project, which is the same project requested at TRC. Ms. Yazzie stated that the project change was noted in bold type in Table A, which lists the projects requesting deferrals and deletions.

Ms. Yazzie then explained the Mesa change in priorities for use of closeout funds. She said that at the time of Management Committee agenda mailout, the priorities were for closeout projects MES13-905 and MES10-810. She said that since then Mesa has requested the priorities change to MES08-604 and MES10-810, which were highlighted in Table B (the projects submitted for closeout). She noted that the Glendale and Mesa projects are included in the TIP.

Ms. Yazzie displayed onscreen the revised requested motion to reflect the requests by Glendale and Mesa, with the deletions shown in ~~strikeout~~ and the additions shown in **bold**: Recommend approval of additional projects to be deferred from FFY 2010 to FFY 2011 or later and additional projects requesting removal of federal funds; advancing the three projects submitted for priority 1 and 1A projects to FFY 2010; allocating the ~~\$2,337~~ **\$2.204** million from deleted projects in FFY 2010 by the cities of Glendale and Mesa to fund Glendale's GLN09-609 with ~~\$196,035~~ **\$63,000** and fund Mesa's, ~~MES13-905~~ **MES08-604** and MES10-810 with \$2,141,307; and amending and modifying the FY 2008-2012 Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2007 Update.

Chair Pentz thanked Ms. Yazzie for her report and asked if there were questions. Hearing none, he called for a motion. Mr. Crossman moved, Mr. McClendon seconded, and the motion passed unanimously.

8. Update on Exceptional Events and MAG Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, reported that on May 25, 2010, the Environmental Protection Agency (EPA) Region IX Administrator conducted a meeting in Phoenix on the exceptional events and the Five Percent Plan for PM-10 Plan. She said that at the meeting, the Administrator announced that EPA would not concur with the Arizona Department of Environmental Quality (ADEQ) documentation regarding four exceptional events at the West 43rd Avenue monitor. She noted that EPA had signed a letter stating this on May 21, 2010, prior to the meeting with MAG.

Ms. Bauer stated that the four exceedances at the West 43rd Avenue monitor will count as a violation and there will be no first year of clean data at the monitors in 2008 and the region will not be in attainment of the PM-10 standard by 2010. Ms. Bauer explained that attainment of the PM-10 standard requires three years of clean data (in 2008, 2009, and 2010). She added that MAG indicated in the Plan an attainment date of December 31, 2010. Ms. Bauer stated that if the EPA had approved even one exceedance as an exceptional event, the MAG region would have had its first year of clean data.

Ms. Bauer advised that at the meeting, the EPA Region IX Administrator acknowledged that the EPA Exceptional Events Rule has problems and said it is flawed, but EPA was forced to use it.

She reported that the Western States Air Resources Council, which is composed of 15 states, has sent a letter to EPA that identified several issues with the implementation of the rule.

Ms. Bauer advised that the EPA intends to disapprove the MAG 2007 Five Percent Plan for PM-10, which includes 53 aggressive additional measures. She noted that the timing of the disapproval action is unknown at this time. Ms. Bauer added that the EPA is negotiating with the Arizona Center for Law in the Public Interest on the deadline for the disapproval action and MAG will know the timeline once it is filed in court. She commented that prior to the meeting with EPA, its staff indicated that progress was being made on the exceptional events. Ms. Bauer stated that the EPA Administrator's action was disturbing and disappointing, and following the meeting, the EPA emailed the Administrator's letter and a technical support document and the implications for MAG conformity.

Ms. Bauer indicated that EPA had previously expressed concern over four high wind exceptional events in 2008 (March 14, April 16, April 30, and June 4), when the West 43rd Avenue monitor exceeded the PM-10 standard. Ms. Bauer stated that MAG agrees with ADEQ's documentation that was presented and disagrees with what EPA says about exceptional events. She reported that additional information was prepared by the MAG consultant, Sierra Research, which is a nationally renowned firm, to support ADEQ's exceptional event documentation submitted to EPA.

Ms. Bauer then explained the consequences of plan disapproval action, which is new to MAG. She said that EPA said a conformity freeze would occur 30 to 90 days after they publish the final disapproval in the Federal Register, after which, only projects in the first four years of the conforming Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) can proceed. Ms. Bauer advised that means no new TIPs, RTPs or additional projects in the TIP until a new Five Percent Plan is submitted that fulfills the Clean Air Act requirements and EPA finds the new budget adequate for conformity purposes.

Ms. Bauer stated that the first Clean Air Act sanction would be imposed if the problem is not corrected within 18 months from the disapproval action, which would be tighter controls on major industries, and 24 months from the disapproval action would be the loss of federal highway funds (\$1.7 billion in the Draft FY 2011-2015 MAG Transportation Improvement Program) and a federal implementation plan would be imposed. Ms. Bauer stated that the imposition of highway sanctions may trigger a conformity lapse and major projects in \$7.3 billion Draft TIP could not proceed.

Ms. Bauer stated that as a result of the disapproval of the Five Percent Plan for PM-10, a new emissions inventory would be needed. She noted that this was last conducted in 2005, and since then the major downturn in the economy has changed the mix of sources. Ms. Bauer stated that the new 2008 inventory by the County is anticipated to be completed June 15, 2010. She said that more measures may be needed to reduce emissions by five percent per year until attainment, the modeling in the Plan will need to be revised, and three years of clean data at all PM-10 monitors will be needed for attainment of the standard.

Ms. Bauer noted another cause of concern is the seven exceedances of the standard in 2009 reported by ADEQ. She stated that at a recent stakeholders meeting, the ADEQ indicated they were all exceptional events, but MAG is now concerned. Ms. Bauer stated that ADEQ will submit its documentation to the EPA in June 2010.

Ms. Bauer stated that a data collection effort is underway in the vicinity of the West 43rd Avenue monitor, to identify the sources contributing to the elevated PM-10 levels under windy conditions. She pointed out on a map onscreen the temporary monitors and the West 43rd Avenue monitor, and she said they are looking at the back trajectories in the study.

Ms. Bauer stated that MAG and ADEQ staff are reviewing the EPA technical support document on why EPA does not concur with the exceptional events. EPA intends to disapprove MAG's plan based on the exceedances not being exceptional events. She said that it is important to complete the data collection in the vicinity of the West 43rd Avenue monitor, address plan issues as quickly as possible, prevent violations at the monitors, and obtain a conformity finding on the new Draft 2011 – 2015 TIP and RTP 2010 Update. Ms. Bauer explained that a public hearing will be held on these two plans on June 21 and they will then be presented for approval of conformity in July. She commented that it is important to get the approval and complete any amendments before the conformity freeze. Ms. Bauer stated that MAG will seek the assistance from the Governor and Congressional Delegation to suspend the EPA action on the Five Percent Plan for PM-10 until the flawed Exceptional Events Rule is fixed, and may explore a possible legal challenge. She reported that the Regional Council discussed this issue and took action on May 26 to have MAG staff work with the Governor's office and Congressional delegation and perhaps file a lawsuit, while working on plan items and report to the MAG Regional Council Executive Committee.

Chair Pentz thanked Ms. Bauer for her report and asked members if they had questions.

Mr. Smith stated that at the meeting with the EPA Administrator they referred to MAG's CMAQ funds and indicated that MAG should spend more of the CMAQ funds on air quality projects. He remarked that if there is a project at the site of the West 43rd Avenue monitor that could solve this problem, MAG would certainly do it. Mr. Smith commented that more regionwide measures could be implemented, which is what the Clean Air Act calls for, but that is not going to solve this problem; the problem in the area of the West 43rd Avenue monitor needs to be fixed. He remarked that it is interesting that the monitors surrounding the West 43rd Avenue monitor are not going off. Mr. Smith stated that staff was ready to discuss with the Region IX Administrator the Rio Salado Oeste project, which would restore the habitat and provide a permanent stabilization solution for the riverbed, but EPA had already made its decision and was working with the Center for Law in the Public Interest. Mr. Smith stated that there may be an opportunity to work with the City of Phoenix on the Rio Salado Parkway that is going in by the West 43rd Avenue monitor.

Mr. Meyer asked for more detail of the flaws and criteria in the Exceptional Events Rule. Ms. Bauer replied that the Exceptional Events Rule is designed so if a region has very high winds or wildfires – events not caused by human activity and beyond human control – the event would not count against the region. She said that one issue is that there is not a clear understanding among

states and the EPA about what states need to submit to document exceptional events. Ms. Bauer stated that the ADEQ had been working with an EPA staff member who expressed he was pleased with what had been submitted in the past, but then a new person came on board at EPA who had different ideas. She remarked that states are confused about what to submit for documentation, and as a result, there is a wide variety of items being submitted for exceptional events. Ms. Bauer indicated that she recently was reading a 2008 federal register notice regarding a monitor located nearby construction of a paved parking lot in the San Joaquin Valley area. She explained that EPA said that the exceedance that registered at the monitor was an exceptional event because the monitor was too close to the site and should not count against the region. Ms. Bauer stated that another issue is timing. She explained that states submit documentation to EPA for the past year and EPA then takes action. Ms. Bauer noted that for MAG, the action wiped out one year of clean data. She said that states need flexibility and should be able to submit additional documentation at any time when they have an exceptional event. Ms. Bauer noted that so far in 2010, there have been no exceedances at the West 43rd Avenue monitor, or at any of the other monitors. She noted that there was a lot of rain this year, there is water in the rivers, more vegetation, and the crust is more stabilized.

Mr. Bacon asked if a detailed presentation was available on the Rio Salado Oeste project. He wanted to know if the project had a detailed scope or was it just a concept. Ms. Bauer replied that Phoenix has a one-page description of the project and provided the map used in her presentation to MAG. She said that Phoenix is currently revisiting the project to refine it further.

Mr. Bacon stated that other parts of the country who were threatened with a similar situation found that the legislative approach did not work, but a legal approach was successful. He encouraged pursuing legal action. Mr. Bacon expressed his appreciation for the quality of work by MAG staff, even though the outcome is not what was desired.

Vice Chair Swenson expressed his agreement with Mr. Bacon's comments and commended staff for the level of detail and outstanding work on this issue. He remarked that this is a huge issue and he asked that the Management Committee be briefed as the process proceeds.

Chair Pentz echoed the comments and expressed his appreciation for staff's efforts. He added that he thought MAG should think about litigation if necessary.

9. FY 2011 MAG Regional Plan to End Domestic Violence

Renae Tenney, MAG Human Services Planner, addressed the Committee on the FY 2011 MAG Regional Plan to End Domestic Violence. She stated that in 1999, a regional plan was created by MAG to ensure a coordinated community response to domestic violence. Ms. Tenney reported that the plan was updated to reflect changing dynamics, including those caused by the recession. She acknowledged St. Luke's Health Initiatives for providing the funding to update the plan.

Ms. Tenney stated that the purpose of the updated plan is to identify opportunities for making the most impact for individuals and families experiencing abuse by maximizing limited resources. She said that the plan was developed through a community engagement process using strength-based approaches, such as Appreciative Inquiry. She advised that nearly 100 community

partners came together at the Regional Plan to End Domestic Violence Summit to develop the new plan, and she noted that national victims' rights advocate Steve Twist was the keynote speaker.

Ms. Tenney stated that 15 strategies were identified in the four focus areas of funding, training and education, coordination and collaboration, and services. She noted that the Protocol Evaluation Project is reflected as one of the strategies identified in the plan, and during plan development, interviews with domestic violence survivors revealed anecdotal evidence for the need to review domestic violence protocols. Ms. Tenney stated that additional conversations with law enforcement, prosecutors, and advocates led to 13 community partners and municipalities providing support for assessing protocols used to arrest and prosecute domestic violence offenders at the misdemeanor level. Ms. Tenney expressed appreciation to the Governor's Office and STOP Violence Against Women Grant for funding the project, which will help to increase safety for survivors, more accountability for abusers, and cost savings to the municipalities through streamlined processes and enhanced operations. She noted that other strategies identified in the plan will move forward with the help of community partners.

Ms. Tenney stated that in addition to the contributions of Saint Luke's Health Initiatives and the Governor's Office for their support of the Protocol Evaluation Project, she wanted to acknowledge the 13 community partners and municipalities partnering with MAG on the project: Arizona Coalition Against Domestic Violence; Arizona Criminal Justice Commission; the City of Phoenix Family Advocacy Center, Police Department, and Prosecutor's Office; the City of Mesa Prosecutor's Office; the City of Scottsdale Prosecutor's Office Victim Services Program; the City of El Mirage; the Town of Buckeye; Southwest Family Advocacy Center; the City of Avondale; the Tolleson Police Department; and Sojourner Center.

Chair Pentz thanked Ms. Tenney for her report and asked members if they had questions.

Mr. Meyer stated that Strategy #3 in the report refers to increasing social capital through grassroots efforts focused on prevention of domestic violence, which stands out from the other strategies that focus more on prosecution and assisting victims, and which references the Purple Ribbon Council as a primary partner. He said that he was more interested in investing in prevention than remediation and he asked Ms. Tenney if she could expand on current activities. Ms. Tenney replied that the organization has been in the Valley for about three years, and it specifically focuses on prevention and assisting the children who have been orphaned by domestic violence to stop the cycle. She stated that the organization does a lot of outreach to communities and has study circles to bring in people who would ordinarily not be involved in discussions on the causes of abuse and how to prevent it.

Mr. Meyer moved to recommend approval of the FY 2011 MAG Regional Plan to End Domestic Violence. Mr. Buss seconded, and the motion passed unanimously.

10. Election of Officers

Each June, the positions of Chair and Vice Chair are elected by the Management Committee. According to the MAG Committee Operating Policies and Procedures, approved by the Regional

Council, the Chair works with members to nominate a manager for the Vice Chair position and the current Vice Chair is nominated for the position of Chair. The positions serve one-year terms.

Mr. McClendon moved to elect Carl Swenson as Chair and Charlie Meyer as Vice Chair. Mr. Cavazos seconded, and the motion passed unanimously.

Chair Pentz extended his congratulations to Mr. Swenson and Mr. Meyer.

Vice Chair Swenson thanked the Committee for the confidence they expressed in him, and he looked forward to chairing the Committee. He then recognized Chair Pentz for his leadership and contributions to the region and to the profession. Vice Chair Swenson stated that Chair Pentz, who served as Chair and Vice Chair of the Management Committee, would be retiring from the City of Chandler later this month and would be leaving the Management Committee. Vice Chair Swenson noted that Chair Pentz had been a part of MAG since 2004, during which time he participated in the Process Review Task Force. He said that beyond MAG, Chair Pentz had demonstrated tremendous leadership in city management and in municipal government. Vice Chair Swenson stated that Chair Pentz would be missed a lot, and personally, he appreciated his welcoming approach. He said that Chair Pentz's solid regional leadership brought communities together and he was a mentor to those coming up in the profession. Vice Chair Swenson presented a plaque to Chair Pentz and those in attendance applauded him.

Chair Pentz thanked the Committee and said that he would retire on June 25 after serving for six and one-half years as the City Manager of Chandler. He said that his career was largely in Kansas City and Washington, D. C. areas, but worked closely with Councils of Governments in those areas, and hands down, MAG is a superior organization. Chair Pentz stated that it had been a pleasure working with Dennis Smith and MAG staff, who had done a lot for the City of Chandler. He said that they probably do not receive the recognition and compensation they deserve for their accomplishments. Chair Pentz stated that it has been a privilege to work with the members of the Management Committee, and he treasured the working relationships he had developed with everyone.

11. Legislative Update

No report.

12. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting will be requested.

Mr. Crossman stated that citizens sometimes pose questions during the Call to the Audience and the Committee cannot respond because of open meeting laws. He stated that last month, Ms. Hernandez asked a question during Call to the Audience. Mr. Crossman spoke to Mr. Smith about a response, and although Mr. Smith informed that staff answers questions after the meeting, Mr. Crossman felt it appropriate that the Committee hear and have knowledge of those responses by adding an agenda item to answer citizen questions.

Mr. Cavazos expressed appreciation for Mr. Crossman's idea and suggested documenting the response in writing that would show the person's concerns were addressed.

Mr. Crossman expressed concern that if the response was not an item on the agenda, the Committee could not discuss it. He said he thought a report from staff would be good, but it should also be on the agenda.

Fredda Bisman, MAG General Counsel, stated that this topic could not be discussed further unless it was on the agenda.

Chair Pentz directed staff to include this on a future agenda for discussion.

13. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mr. Smith expressed his appreciation to Chair Pentz for his compliments to the MAG organization. He said that MAG is unique because other areas are more policy driven and the managers are not asked to participate formally. Mr. Smith stated that MAG's structure goes back to Jack DeBolske and the managers of that time. He stated that representatives from the best run local governments in the world are sitting here at this table and MAG's strength is this process.

Adjournment

With no further business, Mr. Crossman moved, Mr. Bacon seconded, and the motion passed to adjourn the meeting at 1:10 p.m.

Chair

Secretary